

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: Michael D. Whitmarsh et al.

Serial No.: 09/686,849

Filed: October 10, 2000

Docket No.: 10003976-1

Title: INTERNET PRINT BROKERING SYSTEM AND METHOD**REMARKS**

The following Remarks are made in response to the Final Office Action mailed January 7, 2005, in which claims 1-15 and 17-43 were rejected. With this amendment, claim 7 has been cancelled without prejudice, and claims 1, 8, 9, 12, 13, 19, 29, 32, 33, 37, 42, and 43 have been amended to clarify Applicant's invention. Claims 1-6, 8-15, and 17-43, therefore, remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1-15 and 17-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hower, Jr. et al. U.S. Patent No. 5,467,434 in view of Maruta et al. U.S. Patent No. 6,064,838.

With this Amendment, independent claim 1 has been amended to clarify that the method includes receiving a print request for the print job at the print brokering system controller via the network communication link, including receiving a parameter of a performance attribute of the print job, wherein comparing the print request includes querying the print providers which have the printing capability to fulfill the print request on the performance attribute of the print job and receiving a response thereto, and wherein compiling a list includes compiling a list of at least one of the print providers which has the printing capability to fulfill the print request and matches the performance attribute of the print job.

With this Amendment, independent claim 19 has been amended to clarify that the print request includes a parameter of a performance attribute of the print job, wherein the print brokering system controller is adapted to query the print providers which have the printing capability to fulfill the print request on the performance attribute of the print job and receive a response thereto, and wherein the print brokering system controller is adapted to compile a list of at least one of the print providers which has the printing capability to fulfill the print request and matches the performance attribute of the print job.

With this Amendment, independent claim 37 has been amended to clarify that generating and submitting a print request includes submitting a parameter of a performance attribute of the print job, wherein comparing the print request with the printing capability of

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at least one of the print providers includes querying the print providers which have the printing capability to fulfill the print request on the performance attribute of the print job and receiving a response thereto, and wherein compiling a list includes compiling via the print brokering system controller a list including only those print providers which have the printing capability to fulfill the print request and match the performance attribute of the print job.

With respect to the Hower, Jr. et al. and Maruta et al. patents, neither of these patents, individually or in combination, teach or suggest a method of brokering a print job as claimed in independent claims 1 and 37 including, amongst other things, querying the print providers which have the printing capability to fulfill the print request on the performance attribute of the print job and receiving a response thereto, and compiling a list of at least one of the print providers which has the printing capability to fulfill the print request and matches the performance attribute of the print job, nor a system for brokering a print job as claimed in independent claim 19 wherein, amongst other things, a print brokering system controller is adapted to query the print providers which have the printing capability to fulfill the print request on the performance attribute of the print job and receive a response thereto, and compile a list of at least one of the print providers which has the printing capability to fulfill the print request and matches the performance attribute of the print job.

In view of the above, Applicant submits that independent claims 1, 19, and 37 are each patentably distinct from the Hower, Jr. et al. and Maruta et al. patents and, therefore, are in a condition for allowance. Furthermore, as dependent claims 2-6, 8-15, and 17-18 further define patentably distinct claim 1, dependent claims 20-36 further define patentably distinct claim 19, and dependent claims 38-43 further define patentably distinct claim 37, Applicant submits that dependent claims 2-6, 8-15, and 17-18, dependent claims 20-36, and dependent claims 38-43 are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-15 and 17-43 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1-6, 8-15, and 17-43 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-6, 8-15, and 17-43 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert C. Sismilich at Telephone No. (858) 655-8329, Facsimile No. (858) 655-5859 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 1<sup>st</sup> day of March, 2005.

By   
Name: Scott A. Lund